

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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WELLS FARGO BANK, N.A., as Trustee for the	:	
Registered Holders of Banc of America	:	
Commercial Mortgage Pass-Through Certificates,	:	
Series 2007-5, acting by and through its Special	:	
Servicer C-III ASSET MANAGEMENT, INC.,	:	10 Civ. 9584 (JPO)
Plaintiff,	:	
	:	<u>ORDER</u>
-v-	:	
	:	
BANK OF AMERICA, N.A.,	:	
Defendant.	:	
-----X	:	

J. PAUL OETKEN, District Judge:

The parties previously moved for entry of final judgment calculated in accordance with the Court’s March 5, 2014 order, which specified that “whenever the properties generated income (including the sale price) that Wells Fargo was not forced to pay toward property maintenance or loan costs, the balance that was accruing prejudgment interest should be correspondingly lowered.” (Dkt. No. 130.) The Court’s April 11, 2014 calculation of the final judgment overlooked the fact that the parties had both provided for periodic adjustments to the balance accruing prejudgment interest since August 24, 2009. (Dkt. No. 136.) Bank of America has moved for reconsideration of the April 11, 2014 order on that basis (Dkt. No. 137); that motion is granted.

As the Court calculated in its April 11, 2014 order, the August 24, 2009 purchase price is \$39,277,139.27. Bank of America’s motion for reconsideration correctly calculates the amount of prejudgment interest due on this balance, as adjusted periodically to account for income from the properties, to be \$14,258,742.70 as of April 14, 2014, plus \$6,293.68 per diem thereafter.

The motion for reconsideration also calculated that the total judgment as of April 14, 2014 would have been \$39,842,087.76. If judgment is entered April 25, 2014, the Court calculates the proper amount to be \$39,905,024.56 (\$39,842,087.76 total as of April 14, 2014 plus \$62,936.80 in prejudgment interest accumulated April 15 through 24, 2014). The Court will enter judgment in this amount on April 25, 2014, absent any objection from the parties.

SO ORDERED.

Dated: New York, New York
April 22, 2014



J. PAUL OETKEN
United States District Judge